



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,006	05/04/2001	George Nelson Bliss	17306/101	1810
26646	7590	04/27/2004	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			CHIN, PAUL T	
			ART UNIT	PAPER NUMBER
			3652	
DATE MAILED: 04/27/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/849,006

Applicant(s)

BLISS ET AL.

Examiner

PAUL T. CHIN

Art Unit

3652

--The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

THE REPLY FILED 15 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 07 April 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

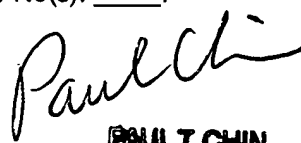
3. ☒ Applicant's reply has overcome the following rejection(s): see next page.
4. ☒ Newly proposed or amended claim(s) 9 and 10 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 5, 6, 14, 15 and 21-23.Claim(s) objected to: 9-11.Claim(s) rejected: 1-4, 7, 8, 12, 13, 16-20 and 24.

Claim(s) withdrawn from consideration: _____.

8. ☒ The drawing correction filed on 04 May 2001 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


PAUL T. CHIN
PATENT EXAMINER

DETAILED ACTION

1. The amendment after FINAL filed on March 15, 2004, and the arguments presented therewith have been carefully considered.

The proposed amendments will not be entered because they raise new issues that would require further search and reconsideration of the art. The added new limitations "*the actuation device is connected between the pickup head and at least one of the first and second links*" (in claims 1 and 13) *in combination with other structural limitations*, raise new issues that would require further search and consideration of the art. Therefore, claims 1-4,7,8,12,13,16-20, and 24 remain rejected by Faughnan (4,303,269) alone under 35 U.S.C. 102(b) and Faughnan (4,303,269) in view of Davidson (3,156,496) under 35 U.S.C. 103(a).

Claim Rejections - 35 USC § 112

2. Applicant's proposed amendment (Re: claims 9 and 10) has overcome the Claim Rejections made 35 U.S.C. 112. Therefore, newly proposed claims 9 and 10 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claims.

Terminal Disclaimer

3. The terminal disclaimer filed on March 15, 2004, disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent Numbers 6,056,341, and 6,237,978, has been reviewed and is accepted. The terminal disclaimer has been recorded. Therefore, the previously claims 1-3,5-10,12-17,19-22, and 24 (of a final office action sent, see Paper No. 11) have been withdrawn from the double patenting rejection.

Allowable Subject Matter

4. Claims 5,6,14,15, and 21-23 are allowed.

Art Unit: 3652

5. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (703) 305-1524. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



PAUL T. CHIN
Examiner
Art Unit 3652